

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

CHRISTOPHER DON BLOUNT

PLAINTIFF

v.

Civil No. 07-5046

SGT. ECHOLS; PVT. CARLTON;
LT. CARTER; and CAPTAIN
HUNTER PETRAY, all of the
Benton County Detention Center

DEFENDANTS

ORDER

Defendants filed a motion for summary judgment (Doc. 14). To assist plaintiff in responding to the motion for summary judgment, the undersigned is propounding a questionnaire. The court will consider plaintiff's response to the questionnaire in issuing a report and recommendation on the motion for summary judgment.

For this reason, Christopher Don Blount is hereby directed to complete, sign, and return the attached response to defendants' motion for summary judgment on or before **August 4, 2008**.

Plaintiff's failure to respond within the required period of time may subject this matter to dismissal for failure to comply with a court order.

IT IS SO ORDERED this 9th day of July 2008.

/s/ J. Marschewski

HON. JAMES R. MARSCHEWSKI
UNITED STATES MAGISTRATE JUDGE

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RESPONSE TO SUMMARY JUDGMENT MOTION

TO: CHRISTOPHER DON BLOUNT

These questions and answers will serve as your response to defendants' motion for summary judgment. You may use additional sheets of paper in responding to these questions.

You must file this response by **August 4, 2008**.

1. You were booked into the Benton County Detention Center (BCDC) on August 17, 2006, on violations of the Arkansas Hot Check Law and a failure to appear charge.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 1 at pages 1-2.

2. Were the pending criminal charges the sole reason you were incarcerated?

Answer: Yes _____ No _____.

If you answered no, please state if your probation or parole had been violated or if you were serving a sentence.

3. You were given a copy of the Benton County Inmate Rights which states that each inmate is to be provide freedom of religion, including the exercise of religious beliefs, so long as that religious expression does not create a potential order or security problem.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 1 at page 3.

4. You completed a medical questionnaire at the time of intake and indicated you had no health problems.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 2 at page 1.

5. Your personal property was inventoried at the time of intake. You had no religious books or items on you at the time of intake.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 1 at page 4.

6. On August 29, 2006, you were arrested for rape and served with a warrant.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 1 at page 5.

7. On February 14, 2007, Sgt. Echols reported that the inmates doors were opened at

0600 or 6:00 a.m. for the inmates to clean their cells and dayroom. Their cells were to be closed if they were not cleaning.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 4 at pages 2-5.

8. At about 0630 or 6:30 a.m., Echols noticed there were four cells in D-150, three cells in D-149, and one cell in D-154 that were unlocked and slightly open. Echols called into the pod and announced that anyone caught in their cells not cleaning would be locked down. No one exited the open cells in any of the pods.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 4 at page 3.

9. Deputy Carlton was assigned to D-pod. He was ordered by Echols to enter D-150 and shut the doors of the inmates who were still in their cells and not cleaning. Carlton went

to the top tier and closed cell 226 with Inmate Juan Camacho in it. Echols shut cell 133 with David Yates and John Smallwood in it. Yates was sitting on his bunk and Smallwood was writing a letter.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 4 at page 3.

10. Echols next locked inmate Carlos Vega in his cell. Vega was on his bunk in cell 134.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 4 at page 3.

11. Echols next shut cell 139 with David Hernandez-Estrada because he was not cleaning. Echols then exited the pod.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 4 at page 3.

12. They went to D-149 and Carlton went to the top tier. Inmate Robert Mix was in cell 232 and was not cleaning. Mix told Carlton cell 232 was not his cell that he was housed in cell 230. Mix was ordered back to his cell and to close the door.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 4 at page 4.

13. Inmate Thatcher was also in cell 232. He was housed in cell 236. Thatcher was also ordered to go to his cell and shut his door. You were in cell 232. Your door was shut because Blount you were not cleaning. All three inmates Mix, Thatcher, and you had been standing around talking to each other when they were separated and locked down.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 4 at

page 4.

14. Echols and Carlton went to D-154 and to cell 170 because it was the only cell door still open. Inmate Chuck Howell was lying on the top bunk. Echols shut his door and exited the pod.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 4 at page 4.

15. Carlton and Echols entered D-150 to pull the mats of the inmates being locked down. Inmate Hernandez-Estrada approached Echols. When he was told to go stand by his cell door he refused. Echols took him by the right arm and escorted him to the cell door. Carlton allowed the inmates to gather their personal belongings from their cells and escorted them to E-103 for lock-down.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 4 at

page 4.

16. Echols and Carlton then went back to D-149 to pull the inmates' mats that were being locked down. The mats, sheets, blankets, towels, and books were being removed from the inmates' cells.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 4 at page 4.

17. Carlton took your mat, sheet, blanket, and books. Carlton picked up your Bible to search it for contraband. You began to yell at Echols and Carlton and threaten them with a lawsuit if they took your Bible or Book of Mormon.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Defendant's Exhibit 4 at page 2.

18. Echols told you repeatedly to calm down. She stated she would check to see if you could keep both books.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to the Defendant's Exhibit 4 at page 2 & page 4.

19. You were cursing and yelling. Echols told you to calm down and put your mat outside your door. You refused her order.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 4 at page 4.

20. Carlton took a hold of your left arm and told you to cooperate.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 4 at page 4.

21. Echols told you she did not believe you could keep both books but that she would check with command staff when she arrived. You were ordered to drop to your knees and keep your hands on the wall. Echols had to remind you to keep your hands on the wall multiple times.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 4 at page 4.

22. On one occasion, you removed your hands from the wall and turned to face Echols. She attempted to gain control of your right arm and was unsuccessful. She administered pressure to your right mandibular angle pressure point in an attempt to receive compliance.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 4 at page 4.

23. You continued to yell and curse at Echols.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 4 at page 4.

24. You continually said Echols was violating your religious rights.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 4 at page 4.

25. Echols told you that you could have both books until she heard otherwise.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 4 at page 4.

26. Echols explained that lock-down inmates are allowed one religious book. Echols then exited the cell.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 4 at page 4.

27. Once Echols exited the cell you called her a "fat b----."

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 4 at page 4.

28. You stated that she was "going to get it."

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 4 at page 4.

29. You reminded Echols that you had a pending lawsuit against the jail.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 4 at page 4.

30. Echols stated you were still expected to follow the rules.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 4 at page 4.

31. Echols and Carlton pulled the rest of the mats from inmates being locked down.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 4 at page 2 & page 4.

32. Echols and Carlton entered D-154 and moved Inmate Howell to a cell by himself.

They removed his mat, sheet, blanket, towel, and books from his cell.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 4 at page 4.

33. Lt. Carter arrived at the jail. Echols asked him whether you could keep both the Book of Mormon and a Holy Bible. Carter said you would have to choose between the two books.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 4 at page 4.

34. Echols and Carlton came back to your cell and told you to choose either the Bible or the Book of Mormon because Lt. Carter said you could only keep one. You refused.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 4 at page 2 and page 4.

35. Echols ordered you multiple times to choose because you could only keep one. You refused and said you would file a lawsuit.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 4 at page 4.

36. Echols removed the Bible due to the fact that you had previously complained you had been denied your Book of Mormon.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 4 at page 2 and page 4.

37. Echols and Carlton left your cell without further incident.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 4 at page 2.

38. On February 14, 2007, you submitted a grievance stating you had been kicked in the back by the jail staff. You said it was wrong for them to put you on lock-down for praying in your cell with your Book of Mormon and Bible. You said Sgt. Echols and Deputy Carlton came into your cell and took your Bible telling you that they didn't care about your religious rights or religion. In response, on February 15th, Captain Petray wrote that he had talked to you yesterday concerning your Bible and you had not said anything about being kicked at that time. However, he said he would look into your complaint.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Defendant's Exhibit 3 at page 1.

39. You submitted a second grievance/request on February 14, 2007, in which you listed the nature of the complaint as "bruising-swelling." You stated you had notified the doctor there that you needed pictures taken of Sgt. Echols and Deputy Carlton's malicious acts of abuse against you. You stated you had bruises on your face, back, and arms and needed pictures taken immediately. In response, on February 15th, Captain Petray wrote that he would have the sergeant check on this for you.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to the Defendant's Exhibit 3 at page 2.

40. On February 15th Captain Petray asked Sgt. Sharp to check into your allegations that you had been beaten up by Sgt. Echols and Deputy Carlton and had bruises on your face, arms and back.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to the Defendant's Exhibit 4 at page 1.

41. Sgt. Sharp went to D-pod on February 17th and had Corporal Bryson call you out of D-149. When you arrived in pod control, Sharp asked you to show him your bruises. You showed Sharp an area around your right eye.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to the Defendant's Exhibit 4 at

page 1.

42(a). Sharp saw no visible marks around your eye. Sharp also looked at both your arms and your back. Sharp saw no indication of any scratches or bruising.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to the Defendant's Exhibit 4 at page 1.

(b). You were seen by the doctor on February 14, 2007, and treated for a rash with benadryl.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to the Defendant's Exhibit 2 at page 5.

43(a). You were charged with refusing to obey the order of a deputy as a result of your conduct on February 14, 2007.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain.

(b). You were found guilty and given ten days lock-down and loss of privileges.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain.

(c). You appealed and the decision was affirmed.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain.

(d). Lt. Carter performed the duties of lock-down appeal on February 16, 2007. He interviewed you. You stated you had been assaulted by Echols when she confronted you about not following the order to vacate the cell and come to the dayroom.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain.

(e). Carter recalled that Echols advised him that you had been placed on disciplinary status and were requesting to keep a Bible and Book of Mormon. Carter advised Echols to have you choose which of the two books you wanted to keep.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain.

(f). You told Carter that Carlton and Echols came back to your cell and ordered you to the back of the cell. You indicated all you wanted was your Bible. Echols responded that

you could have one religious book while on disciplinary lockdown.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain.

(g). You told Echols you wanted both a Bible and Book of Mormon. You told Carter that when you raised your arm and pointed at the books Carlton grabbed your arm and placed you against the wall and Echols pinned your head against the wall and told you to face the wall.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain.

(h). You denied having called Echols any names.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain.

(i). How long did you go without your Bible and Book of Mormon?

Answer:

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain.

(j). Carter interviewed Inmate Mitchell as part of the appeal process. Mitchell reported that Echols and Carlton instructed you to be quiet or you would be locked down for not coming out of your cell when instructed.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain.

(k). Mitchell did not witness the officers strike you at any time.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain

(l). Mitchell heard the officers tell you that you would get to keep one religious book while on disciplinary lock-down.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain.

(m). Carter also interviewed Inmate Fuller who heard the announcement for inmates to get out of their cells two times.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain.

(n). Fuller stated that you cursed Echols and said you were "***** praying."

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain.

(o). Carter concluded after the interviews he conducted there was insufficient evidence that you had been assaulted.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain.

(p). Carter concluded there was sufficient evidence to indicate you disregarded multiple orders which interfered with the orderly operation of the jail.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain.

44. Do you contend Echols used excessive force against you?

Answer: Yes _____ No _____.

If you answered yes, please explain in detail the physical force she used against you and any injuries you received as a result of her use of force.

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Answer: Yes _____ No _____.

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46(A). You requested a copy of your medical records on February 26, 2007, and also requested cream for your feet.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain.

(B). You received cortisone cream.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 2 at page 15.

47. On March 8, 2007, you requested that your personal property be released. You were told someone needed to come up and get your property.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain.

48. On March 10, 2007, you submitted a request stating your cell-mate Robert Mix was close to trial and had talked about suicide. In response, Echols stated she would look into the matter.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain.

49. On March 18, 2007, Deputy Grant reported that another inmate said the inmates in D-149, Cell 232 were keeping medication in a legal envelope. Deputies Villalpando and Grant searched the cell and found green capsules in a legal envelope belonging to you.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain.

50. You were locked down for storing medication.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain.

51. On March 18th you received a disciplinary hearing on the storing or hoarding medication charge and received ten days lock-down and loss of privileges.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain.

52. You said the medication was not yours but the disciplinary finding was upheld on appeal.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain.

53. On March 20th you submitted a request stating that you had letters to be placed in your personal property. In response you were told to put them in an envelope and write personal property on the envelope and give them to a pod deputy.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain.

54. On March 30th you complained of ear pain and were to see the doctor.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain.

55. On April 6, 2007, you were given the opportunity to see the doctor but refused doctor call.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 2 at page 5.

56. You were released from the BCDC on May 2, 2007.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain.

57. You never filed a grievance about being denied access to a copy of the Pearl of Great Price and the Doctrines and Covenants.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please attach a copy of the grievance you filed. If you do not have a copy, please state what day you filed the grievance, who you submitted it to, and what response you received.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

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you submitted it to, and what response you received.

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59. While incarcerated at the BCDC you were able to worship and follow the dictates of your religion.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain.

[illegible]

60. Please explain in detail how you believe Lt. Carter violated your constitutional rights.

Answer:

[illegible]

61. Please explain in detail how you believe Captain Petray violated your federal constitutional rights.

Answer:

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain.

Answer:

[illegible]

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I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS
TRUE AND CORRECT.

EXECUTED ON THIS _____ DAY OF _____ 2008.

CHRISTOPHER DON BLOUNT